

REMARKS

A final Office Action was mailed on July 11, 2007. Applicants timely file this Preliminary Amendment together with a Request for Continued Examination (RCE) and Petition for a one-month extension of time.

Reconsideration is respectfully requested.

I. Status of the Claims

Claims 1-18 are currently pending.

Applicants cancel claims 2, 4, 6 - 10 and 12 without prejudice or disclaimer, amend claims 1, 3, 5, 11, 13, 17 and 18, and add new claim 19. No new matter is added. Support for the amendments may be found, for example, with reference to page 23, line 23 through page 26, line 18 and page 28, lines 10 - 22 of Applicants' specification and with reference to Applicants' FIGs. 10, 11 and 13.

II. Rejection under 35 U.S.C. §§ 102, 103

Claims 1 - 3, 5 - 8, 10 and 13 - 18 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,891,126 to Osborn, III et al. ("Osborn"). Claims 4, 9, 11 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Osborn. As claims 2, 4, 6 - 10 and 12 are canceled without prejudice or disclaimer, the rejections as to claims 2, 4, 6 - 10 and 12 are moot. Applicants amend claims 1, 3, 5, 11, 13, 17 and 18 to further clarify the nature of their invention, and respectfully traverse the rejection.

In amended independent claim 1, Applicants claim:

1. An interlabial pad with a size, weight, and flexibility capable of being held between labia by a part or the whole portion of the interlabial pad naturally therebetween, having a first axis that is substantially parallel to an anteroposterior axis of a wearer, and a second axis which is included in a horizontal plane when the wearer is standing and perpendicular to the first axis, comprising:

an absorbent body for absorbing body fluid, the absorbent body having a shape selected from the group consisting of elliptical-planar shapes, gourd-planar shapes and tear drop-planar shapes, the absorbent body having a plurality of bending elements each including a slit formed on a surface of the absorbent body, the bending elements each being provided in a prescribed position of the absorbent body with a lower bending strength compared to positions other than the prescribed position;

a plurality of first bending element pieces, each first bending element piece extending for a first prescribed length in a direction that is substantially parallel with the first axis, and the plurality of first bending element pieces including:

- i) first bending element pieces having the slit positioned along the center line of the absorbent body in parallel with the first axis,
- (ii) first bending element pieces having the slit arranged to reach a first peripheral edge of the absorbent body, and
- (iii) first bending element pieces having the slit positioned between the center line of the absorbent body and the first peripheral edge of the absorbent body; and

a plurality of second bending element pieces, each second bending element piece extending for a second prescribed length that is substantially parallel with the second axis, and the plurality of second bending element pieces including:

- i) second bending element pieces having the slit positioned to cross the center line of the absorbent body,
- (ii) second bending element pieces having the slit arranged to reach a second peripheral edge of the absorbent body, and
- (iii) second bending element pieces having the slit positioned between the center line of the absorbent body and the second peripheral edge of the absorbent body, wherein

a covering material encloses the absorbent body and maintains an effect of the bending elements, the covering material defining a main form of the interlabial pad, wherein a surface of the covering material is not provided with slits, and

ones of the bending elements are each formed from one of the plurality of first bending element pieces and one of the plurality of second bending element pieces, the slit in each of bending elements extending in both the one first element bending piece and the one second bending element piece, and a crossing point of the one first element bending piece and the one second element bending piece lies along the center line of the absorbent body.

(Emphasis added).

Osborn discloses an absorbent interlabial device having a body-contacting surface that is pre-moistened of pre-treated with an emollient to prevent drying of the contacted body tissue (see, e.g., abstract of Osborn). With reference to FIG. 4 of Osborn, the interlabial device 20 includes an absorbent body 22 and topsheet 42 which at least partially encloses absorbent body 22.

Applicants' claimed interlabial pad of amended independent claim 1 claims a bending element that is formed from a first bending element piece extending for a first prescribed length in a direction that is substantially parallel with a first axis that is substantially parallel to an anteroposterior axis of a wearer, and a second bending element piece extending for a second prescribed length that is substantially parallel with the second axis which included in a horizontal plane when the wearer is standing and perpendicular to the first axis. The bending element is implemented as a slit formed extending in both the one first element bending piece and the one second bending element piece, such that a crossing point of the one first element bending piece and the one second element bending piece lies along the center line of the absorbent body.

With reference to former claim 1, the Examiner notes that Osborn discloses at Col. 15: 19 - 22 that the interlabial device may have slits to promote easier bending of the interlabial device:

The absorbent interlabial device 20 may also be constructed with a plurality of slits in the main absorbent portion 22 so as to permit bending of the product in multiple independent directions. Such a structure allows the product to more easily respond to the stresses associated with body movements. As shown in FIG. 12, in preferred versions of any of the embodiments shown in the prior drawing figures, the upper

corner portions 26A and the lower corner portions 28A of the interlabial device 20 may be rounded to reduce the forces that the product transfers to the wearer's body when the wearer sits down. The top surface of the structure may also have one or more slits or have other regions of preferred bending so that product may easily adjust to the vertical pressure against the pelvic floor, to help accommodate the non-linear surface of the pelvic floor between the clitoris and the perineum.

(Emphasis added).

Osborn generally describes the use of slits in the absorbent body to permit bending, and makes specific reference to slits for adjusting a top surface of the interlabial device to a wearer's pelvic floor.¹ Applicants respectfully submit that Osborn however fails to teach or suggest the specific slit geometry claimed by Applicants - "extending in both the one first element bending piece and the one second bending element piece, and a crossing point of the one first element bending piece and the one second element bending piece lies along the center line of the absorbent body." In other words, Osborn nowhere teaches or suggests a configuration in which one or more slits are arranged to cross each other, and in particular, does not suggest that slits should be crossed and have a crossing point that is arranged along a center line of the interlabial device.

For at least these reasons, Applicants respectfully submit that amended independent claim 1 is not anticipated or made obvious by Osborn, and stands in condition for allowance. As amended independent claim 17 claims a method of adjusting the form flexibility of an interlabial pad having the above-argued features, Applicants submit that amended independent claim 17 is also allowable for at least these reasons. Claims 3, 5, 11, and 13 - 16 and claim 18 respectively depend from allowable independent claims 1 and 17. For at least this reason, Applicants further submit that dependent claims 3, 5, 11, 13 - 16 and 18 are also allowable.

Applicants therefore respectfully request that the rejections of claims 1 - 18 under 35 U.S.C. § 103(a) be withdrawn.

II. New Claim

New claim 19 is added, and depends from allowable independent claim 1. Applicants submit that new claim 19 is allowable for at least this reason.

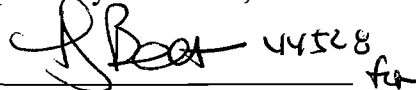
CONCLUSION

In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: October 29, 2007

Respectfully submitted,

By  44528
Louis J. DeJuidice

Registration No.: 47,522
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant

¹ The Examiner acknowledges that, in sharp contrast to Applicants' claimed interlabial pad, Osborn describes these slits as being provided in a topsheet 42. The Examiner however asserts that, in order to adjust to vertical pressure on the pelvic floor, such slits would have to be provided in the absorbent body 22 as well.